

REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested.

Currently, claims 1-2, 6-15 and 19-33 are pending in this application.

Request to Acknowledge Receipt of Priority Document:

Section 1 of the Office Action appears to acknowledge Applicant's claim of priority under 35 U.S.C. §119 from application no. (JP) 2001-85540. Applicant requests that the next Office Action acknowledge receipt of the certified copy of priority documents.

Rejection Under 35 U.S.C. §103:

Claims 1-26 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Hayashida (JP '013)¹ in view of Okada (U.S. '247). Applicant respectfully traverses this rejection.

In order to establish a prima facie case of obviousness, all of the claimed limitations must be taught or suggested by the prior art. Applicant submits that the combination of Hayashida and Okada fails to teach or suggest all of the claimed limitations. For example, the combination fails to teach or suggest "difficulty level change section that, in response to a difficulty level being set low, skips or changes at least a portion of said operation type data without skipping or changing said operation timing data," as required by independent claim 1 and its dependents. Similarly, the combination fails to teach or suggest "in response a difficulty level being set low, a step

¹ U.S. Patent No. 6,425,822 claims priority from Hayashida and is therefore believed to be a corresponding publication.

of skipping or changing at least a portion of said operation type data without skipping or changing said operation timing data,” as required by independent claim 14 and its dependents. Independent claim 15 requires a similar feature.

The Office Action admits that “Hayashida fails to disclose (sic) a difficulty level change means for dynamically changing a difficulty level of a game operation input in accordance with the evaluation made by said evaluation means for a predetermined period.” Accordingly, Applicant submits that Hayashida fails to disclose or suggest “a difficulty level change section that skips or changes at least a portion of said operation type data without skipping or changing said operation timing data.”

Okada fails to remedy the above described deficiencies of Hayashida. In particular, while Okada discloses changing the degree of difficulty in playing a game in accordance with a player’s skill, the change in degree of difficulty is achieved in Okada by changing the allowable time limit for player manipulation of an appropriate controller. Okada therefore fails to teach or suggest changing a difficulty level by skipping or changing operation type data without skipping or changing operation timing data. The way that game play difficulty is changed in Okada is therefore dramatically different than the change in difficulty level of the present invention. Again, Okada merely discloses narrowing an allowable time range for user manipulation of a controller to change difficulty level, not automatically changing difficulty level by skipping or changing operation type data without skipping or changing operation timing data.

Accordingly, even if Hayashida and Okada were combined as proposed by the Office Action, the combination would have taught or suggested all of the claimed limitations. Applicant therefore respectfully requests that the rejection of claims 1-2, 6-15 and 19-26 under 35 U.S.C. §103 as allegedly being unpatentable over Hayashida and Okada be withdrawn.

New Claims:

New claims 27-33 have been added to provide additional protection for the invention. New independent claims 27 and 31 require automatically changing the difficulty level of a game during game execution by changing information relating to the types of switches to be operated but without changing the information relating to the operation timings of switch operation. New independent claim 30 requires, *inter alia*, “automatically changing the display of information relating to designated operation timings and types of switches to be operated by a user by changing the number of the different types of switches without changing the information relating to the timing of the switches to be operated.” Applicant thus submits that new claims 27-33 are allowable.


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Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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